

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
NO. 2:15-CR-00020-BO

UNITED STATES OF AMERICA)
)
 v.)
)
DAVON KELLY BENNETT)

FINAL ORDER OF FORFEITURE

WHEREAS, on April 28, 2017, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), based on the evidence presented by the government therein, the following property was forfeited to the United States, to wit:

Real Property

a. Real property having the physical address of 1300 Brothers Lane, Elizabeth City, North Carolina 27908 including any and all appurtenances and improvements thereto, being legally described in deed book 1158, page 208 of the Pasquotank County Registry, North Carolina; and any and all proceeds from the sale of the property.

Personal Property:

- b. One 2006 Acura Sedan, VIN: 19UUA66236A005580;
- c. One 2007 Chevrolet Silverado truck, VIN: 1GCEC19C87Z573217;
- d. One 2008 Infiniti G37 Coupe, VIN: JNKCV64E68M118130;
- e. One Smith & Wesson .40 pistol, serial number: DVJ8386

- f. One Hi Point 9mm rifle, serial number B00833;
- g. One Hi Point 9mm magazine and related ammunition;
- h. One Calico Liberty 50 9mm rifle, serial number: B003055;
- i. One Taurus .38 caliber revolver, serial number: NA56109;
- j. Any and all ammunition;
- k. United States Currency in the amount of \$1,000,000,
representing gross proceeds of the offence set forth in Count
One;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between May 4, 2017 and June 2, 2017, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions, and said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the potential petitioners as to the subject properties in this criminal forfeiture action are listed as follows: Professional Financial Services, Shannon Green, Pasquotank City Tax Assessor, Ramone Bennett, Stacey Lynette Seymore, Theophus Augustus Moore, and Wilbert Perry, Jr.;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Professional Financial Services, Attention: Marvin Brangan, via certified mail, return-receipt, on June 30, 2017;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Pasquotank County Tax Assessor, via certified mail, return receipt, on approximately June 30, 2017 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Shannon Green, via certified mail, return receipt, on approximately June 30, 2017 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Ramone Bennett, via Federal Express on November 29, 2017;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made upon Stacy Lynette Seymore via personal service on December 7, 2017 by an agent of the U. S. Marshal's Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made upon Theophus Augustus Moore via personal service on December 8, 2017 by an agent of the U. S. Marshal's Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Wilbert Perry, Jr., via Federal Express on March 8, 2018;

AND WHEREAS, service upon the subject real property located at 1300 Brothers Lane, Elizabeth City, Pasquotank County, North Carolina, was executed by posting of the Preliminary Order of Forfeiture on the property by an agent of the United States Marshal's Service on May 10, 2017;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the subject vehicle, a 2006 Acura Sedan, on May 3, 2017 while in the custody of the U. S. Marshal's Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the subject vehicle, a 2007 Chevrolet Silverado Truck, on May 3, 2017 while in the custody of the U. S. Marshal's Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the subject vehicle, a 2008 Infiniti G37 Coupe, on May 3, 2017 while in the custody of the U. S. Marshal's Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the subject miscellaneous firearms and ammunition, on November 27, 2017 while in the custody of the Federal Bureau of Investigation;

AND WHEREAS, the United States discovered that one of the subject firearms, specifically, the Smith & Wesson .40 pistol, serial number: DVJ8386, is stolen property and its owner has been identified. Hence, the United States releases the Smith & Wesson firearm from this criminal forfeiture action;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for any of the subject property described in this Court's April 28, 2017 Preliminary Order of Forfeiture, other than those specifically mentioned herein.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the subject real and personal property listed in the April 28, 2017 Preliminary Order of Forfeiture, with the exception of the Smith & Wesson .40 pistol, serial number: DVJ8386, are hereby forfeited to the United States. That the United States Department of Justice is directed to dispose of the remaining real and personal property according to law, including destruction. All right, title, and interest in this property shall vest in the United States as of the date of commission of the offense committed by the defendant which rendered it subject to forfeiture.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order
to all counsel of record.

SO ORDERED this 10 day of August, 2018.

Terrence W. Boyle
TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE